LEGAL REQUIREMENTS

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) along with 454(26) of the Social Security Act and federal regulations guides states in safeguarding information by:

• Incorporating non-disclosure indicators in the Federal and State Case Registries;

• Protecting location information when the safety of parties or children could be jeopardized by disclosure;

• Providing for an override to the non-disclosure provision in limited circumstances, allowing for disclosure of information maintained by the Federal Parent Locator Service.

The Office of Child Support and the State Court Administrative Office have implemented the following processes to ensure the safety of individuals who claim family violence.

1. Family Violence Indicator (FVI) – The FVI is attached to any individual for whom there is reasonable evidence of domestic violence or child abuse, and who has been or potentially may be in danger of abuse. The FVI updates the State Case Registry and the Federal Case Registry records to ensure that the member's information is protected from disclosure.

2. Family Violence Type Codes – These codes not only indicate the reason FVI is set but also determine if address/identifying information is suppressed from documents generated by the automated system.   These codes and associated suppression functionality exist in MiCSES only.

WHEN TO SET THE FVI

The FVI should be set to "Y" (yes) when any of the following exists:

• Court Order prohibiting disclosure;

• Michigan Personal Protection Order **with** Confidential Address provision;

• Foreign Personal Protection Order **with** Confidential Address provision;

• FPLS data indicates Confidential Address;

• Michigan Personal Protection Order **without** Confidential Address provision;

• Foreign Personal Protection Order **without** Confidential Address provision;

- Sworn statement of family violence filed with the Friend of the Court; or

- Claim of Violence including:

  - •• FIP/MA Good Cause;
  - •• Work First Deferral;
  - •• Signed Uniform Non-Disclosure (FIA-4791);
  - •• Police Report;
  - •• Neighbor's Report;
  - •• Signed Affidavit for Withholding Name, Address and Amount of Assistance from Disclosure to the Public (FIA 970);

- Signed Non-FIP Child Support Services Application (FIA-1201) in which the customer indicates that disclosure of information could cause possible harm (as indicated by the provided check box);

- "Reasonable evidence of domestic violence or child abuse, and the disclosure of such information (i.e. location information) could be harmful to the parent or the child of such parent;" and

- Other.

To further ensure the protection of individuals and families, when an individual presents a claim of violence, the worker should provide the individual with a sworn statement and facilitate the filing of this sworn statement with the FOC. The individual is not required to complete this sworn statement. However, the worker must inform the individual that in the absence of a sworn statement, personal protection order requiring a confidential address, or an order preventing disclosure, address and identifying information on the individual will be included on forms generated by the automated system.

HOW TO SET THE FVI IN MICSES

Friends of Court (FOC), Prosecuting Attorney (PA) staff and ICR staff use the FVI and the Family Violence Type Codes in MiCSES. (Support Specialists will continue to use established procedures in CSES.) The FVI indicator is manually changed to "Y" under the following circumstances:

FPLS Data with Confidential Address:

- Local staff requests address information from FPLS.
- FPLS returns information indicating that address is confidential.

Local staff manually sets FVI "Y" and Family Violence Type Code to "FP" on the Member Demo (DEMO) screen for the NCP or CP who is protected.

Claim of Family Violence:

• Client claims family violence and meets criteria.

• Worker sets FVI to "Y" on the Member Demo (DEMO) screen for the NCP or CP who is protected.

• Worker sets Family Violence Type Code on the Member Demo (DEMO) screen for the NCP or CP who is protected to one of the following (as appropriate):

  •• CT – Court Order prohibiting disclosure

  •• PW – Michigan Personal Protection Order with Confidential Address

  •• FW – Foreign Personal Protection Order with Confidential Address

  •• FP – FPLS data indicates Confidential Address

  •• SS – Sworn Statement of Family Violence

  •• PO – Michigan Personal Protection Order without Confidential Address

  •• PF - Foreign Personal Protection Order without Confidential Address

  •• CV - Claim of Violence (absent any of the above documentation)

CSENet Transaction Indicates Non-Disclosure Order:

• CSENet transaction indicates there is a non-disclosure order (as evidenced by a "Y" in the Nondisclosure fields on the Interstate Correspondence screen (ICOR).

• System sets Family Violence flag on DEMO to "Y," and Family Violence Type Code to "CT."

The DW receives personal protection order information from the Michigan State Police (LEIN).

• The DW matches this information against member information in MiCSES.

• The system sets the Family Violence field to "Y" for the protected party in the Member Demo (DEMO) screen.

- The system sets Family Violence Type Code to "PW" (personal protection) on the Member Demo (DEMO) screen.

Family Violence Indicator Set When CAPAAM Transmits FVI from SS Module:

- Worker sets FVI to "Y" on the Individual Maintenance Screen on CSES.

- FVI transmitted with other case data to MiCSES in an electronic referral (CAPAAM).

- MiCSES sets the CP's Family Violence field to "Y" (DEMO) and the Family Violence Type Code to "CV".

Suppression of Address/Identifying Information:

The FVI suppresses address/identifying information based upon the setting of the Family Violence Code (see listing on page 3 of this item). The following reasons suppress the release of address/identifying on MiCSES generated forms as well as result in the suppression of addresses/identifying information through the Federal Parent Locate Service, via the nondisclosure identifier in the Federal Case Registry:

- Court Order or Non-Disclosure Order

- Michigan Personal Protection Order **with** Confidential Address provision

- Foreign Personal Protection Order **with** Confidential Address pro-vision

- FPLS data indicates Confidential Address

Note: Identifying information includes home address, work address, school address, social security number, phone number and drivers license. In rare cases where an individual has changed his/her name the new name will not be disclosed.

The following type codes **ONLY** result in the suppression of addresses/identifying information through the Federal Parent Locate Service, via the nondisclosure identifier in the Federal Case Registry:

- Michigan Personal Protection Order **without** Confidential Address provision

- Foreign Personal Protection Order **without** Confidential Address provision

- Claim of Violence including:

- FIP/MA Good Cause

- Work First Deferral

- Signed Uniform Non-Disclosure (FIA-4791)

- Police Report

- Neighbors Report Signed Affidavit for Withholding Name, Address and Amount of Assistance from Disclosure to the Public (FIA 970)

- "Reasonable evidence of domestic violence or child abuse, and the disclosure of such information (i.e. location information) could be harmful to the parent or the child of such parent"

- Other

OVERRIDE OF THE NONDISCLOSURE

If a worker receives a nondisclosure notification via a FPLS response, and address/identifying information on the protected party is deemed necessary for the appropriate provision of child support services, the office may petition the appropriate court for disclosure of the address/identifying information. Under section 453(c)(2) of the Social Security Act, the appropriate court is the court that has authority to issue an order or to serve as the initiating court in an action to seek an order against a noncustodial parent for the support and maintenance of a child. Under section 463(d)(2), the appropriate court is any court having jurisdiction to make or enforce a child custody or visitation determination.

If the court determines that disclosure to any other person would not be harmful to the parent or child, the court or agent of the court must submit the request for disclosure to the State Parent Locator Service (SPLS) for forwarding to the FPLS.

LEGAL BASE

42 USC 654

42 USC 653 (Federal Parent Locator Service)

Personal Responsibility and Work Opportunity Reconciliation Act of 1996

MCR 3.28(A)(3)(f)

DCL 99-07